

DE BEVOISE & PLIMPTON LLP

919 Third Avenue
New York, NY 10022
Tel 212 909 6000
www.debevoise.com

MEMO ENDORSED

May 13, 2011

BY HAND

✓ Hon. William H. Pauley III
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

RECEIVED

CHAMBERS OF
WILLIAM H. PAULEY
U.S.D.J.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED

Hon. Robert W. Sweet #:
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

DATE FILED: 5/2/11

Hard Rock Café Int'l (USA), Inc. v. Hard Rock Hotel Holdings, LLC, et al.

10 Civ. 7244 (WHP)

✓ Dear Judge Pauley and Judge Sweet:

This firm represents the Hard Rock Defendants and the Equity Holder Defendants in this case. On behalf of my clients and plaintiff, I write to ask the Court's advice about how to proceed with respect to mediation.

As set forth in the scheduling order entered on May 2, this case currently is in a litigation standstill through June 14 while the parties pursue settlement discussions. The order further provides for the parties to seek a date from Judge Sweet for a second mediation session in mid-June.

Unfortunately, we have now learned that Judge Sweet will be on summer hiatus from approximately June 9 until late August or early September. Judge Sweet's chambers staff has proposed a June 6 mediation session, but Mr. Ewing, plaintiff's lead counsel, will be on trial then.

The parties would like to keep the mediation process moving forward in a timely way as provided in the scheduling order. Ideally that would be done with Judge Sweet's continued face to face involvement, if that is possible. Judge Sweet's clerk also floated the possibility of a telephonic mediation session during his absence; there is a range of views about how effective that might be, but all parties agree an in-person session with the mediator would be preferable. Another option might be for Judge Pauley to bring in a second mediator, with June availability, in addition to or in place of Judge Sweet.

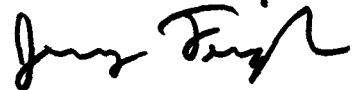
Judges Pauley and Sweet

2

May 13, 2011

We would be grateful for Your Honors' advice as to how we should proceed. We are available for a conference if that would be helpful.

Respectfully yours,



Jeremy Feigelson

cc (via email): Bruce Ewing, Esq. and James Rittinger, Esq.

The parties seek the Court's advice regarding on-going mediation efforts: Because the parties desire to meet "face-to-face" and it is inconvenient for them to meet with Judge Sweet while he is in New York, Judge Sweet has graciously agreed to meet them for an "in person session" in Sun Valley, Idaho. This Court will provide Judge Sweet's contact information to the parties.

SO ORDERED:



WILLIAM H. PAULEY III U.S.D.J.

6/1/11